

Notice of Allowability

Application No.

10/663,121

Examiner

Milap Shah

Applicant(s)

SEELIG ET AL.

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 1/17/07.
2. ☒ The allowed claim(s) is/are 1,2,4-10,44 and 46-64.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Reasons for Allowance

Claims 1, 2, 4-10, 44, & 46-64 are allowed.

The following is an Examiner's statement of reasons for allowance: A thorough search of the prior art fails to disclose any reference or references, which, taken alone or in combination teach or suggest, in combination with the other limitations, "the plurality of light emitting diodes being arranged in variable densities proximate the media, wherein the transmission of light on the media at least partially conveys the random game outcome" (claims 1 and 44) or "the light means having a first portion of lights having a first density and a second portion of lights having a second density" (claim 56), which are considered similar limitations recited in slight different terms.

The closest prior art is the combination of Sunaga et al. (U.S. Patent No. 6,206,781) and Haruta (Japanese Patent No. 2001-353255). However, the combination fails to teach or suggest the spacing of the light emitting diodes having a variable density across the length of the light board. The Examiner's rejection incorporated aesthetic design choice and excerpts from MPEP 2144.04. The Applicant submitted an after-final amendment, in which the Applicant has argued that having a light board in a reel with light emitting diodes spaced in variable densities has specific advantages over a light board that has evenly spaced light emitting diodes or lights and that the variable densities is not an aesthetic design choice for the purpose of ornamentation (see Applicant's remarks filed January 17, 2007, section 2, pages 1-4). The Applicant's arguments are persuasive. For at least these reasons, the claims are allowed.

Additionally, while updating the search for allowance, U.S. Patent No. 5,547,192 issued to Ishibashi was found. This reference shows an "LED Support Panel" 14 (figure 3) on which a 2-digit LED component 14a and a 4-digit LED component 14b are connected. It could be considered that

a first portion of the "LED Support Panel" 14 has a higher density of LEDs (i.e. where the 4-digit LED component is connected) then a second portion of the "LED Support Panel" 14 (i.e. where the 2-digit LED component is connected). However, upon consideration of this reference, the Examiner submits that there would be no motivation to create a variable density light panel or light board behind a reel structure to illuminate reel positions based on this teaching. Therefore, the claims are deemed allowable over this reference.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SCOTT JONES
PRIMARY EXAMINER

M.B.S.